

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of April 16, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 1-26 were rejected under 35 U.S.C. § 101. Claims 1-7, 9-23, 25, and 26 were also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Patent Application 2002/0112048 to Gruyer, *et al.* (hereinafter Gruyer). Claims 8 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gruyer.

### **Objections to the Specification**

In the Office Action, paragraph [0044] was objected to for including a typographical error. Applicants have corrected the error, as suggested in the Office Action. Accordingly, Applicants respectfully request withdrawal of the objection.

### **Amendments to the Claims**

Although Applicants respectfully disagree with all rejections in the Office Action, Applicants have amended the claims to overcome objections in form and to expedite prosecution of the present application. However, such amendments should not be interpreted as the surrender of any subject matter and Applicants reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application. In this response, Claims 1, 10, 14, 17, and 26 have been amended to emphasize that ghost software objects or agents can move from grid to grid of the grid environment, accompanying the moving host software object. Claims 6-9, 12, 13, 16, and 18-25 have also been amended to maintain

consistency among the claims. Claims 3, 15, and 19 have been cancelled. All amendments are fully supported by the Specification. No new matter has been added.

### **Objections to the Claims**

In the Office Action, Claims 3, 9, 10-13, 19, and 25 were objected to for various informalities. Applicants have corrected the informalities as suggested the Office Action and respectfully request withdrawal of these objections.

### **Aspects of the Claims**

Prior to discussing the rejections in the Office Action, it may be useful to discuss certain aspects of the claims. The claims, as typified by Claim 1, recite systems and methods for monitoring performance of an application domain, where the application domain is defined by a plurality of computing resources located in one or more grids of a grid computing environment. (See, e.g., FIG. 2.) Data on the application domain is collected by recording and subsequently analyzing the actions of software objects as they move and perform actions in the different computing resources defining the application domain. For example, as recited in Claim 1, a ghost software object can be associated with one of the software objects (host) in the application domain. In the claims, "host" only refers to relationship between associated objects, therefore the associated software object is considered the host software object for the ghost software object. Consequently, when the host software object performs an action in a computing resource, the associated ghost software object can replicate and record the action. Furthermore, when the host software object is moved to another computing resource in a different grid, the ghost software object can also traverse the grids, so that the host and ghost software objects remain together. Therefore, the ghost software object accompanies the host software object from grid to grid, replicating and recording its actions.

**Rejections under §101**

In the Office Action, Claims 1-26 were rejected as being directed to non-statutory matter. In regards to Claims 17-18, and 20-25, Applicants respectfully disagree. As Claims 17-25 recite steps that impart functionality to a computer, they comprise functional descriptive material on a storage medium. It is well-established by past and present practice of the U.S. Patent and Trademark Office that claims directed to code sections for functional descriptive material in a computer-readable storage medium are within statutory subject matter. Likewise, Claims 14 and 16 are now also directed to code sections for functional descriptive material in a computer-readable storage medium and are likewise also within statutory subject matter. Applicants respectfully request withdrawal of these rejections.

With regards to Claims 1-2, 4-9 and 26, Applicants respectfully submit that they are also within statutory subject matter as they provide a useful, concrete, and tangible result, i.e. practical utility. In particular, Claims 1-2, 4-9, and 26 provide practical utility in that they provide a method for using an associated ghost software object for replicating and recording actions of host software objects as they traverse the various grids of a grid computing environment. Further practical utility is provided by allowing the ghost object to move from grid to grid, following the host object, eliminating the need to coordinate between multiple recording object in each grid to record the behavior of a moving software object. In view of the practical utility of Claims 1-2, 4-9, and 26, Applicants respectfully withdrawal of this rejection.

With regards to Claims 10-13, as amended, Applicants respectfully submit that the claims are directed to an application domain, comprising a plurality of computing resources in a plurality of grids in a grid environment, i.e. hardware. A recitation of hardware configured to execute or perform one or more actions is clearly within statutory

subject matter according to well-established past and present practice of the U.S. Patent and Trademark Office. Applicants respectfully withdrawal of this rejection.

**Rejections Under §102**

In the Office Action, independent Claims 1, 10, 14, 17, and 26 were rejected as being anticipated by Gruyer. Gruyer discloses a system and method for using an agent downloaded to a user device to record and transmit web use information to one or more servers. Applicants respectfully disagree and submit that Gruyer fails to disclose each and every element of the claims.

First, Gruyer fails to disclose a host software object that moves from grid to grid to execute operations in an application domain. In the Office Action, it is asserted that a web browser is equivalent to such a software object. Applicants respectfully submit that such a characterization is incorrect. A grid computing environment, a term of the art, is a parallel computing environment in which different resources are located in different sections, or grids, of the computing environment. In such environments, software objects are located and execute actions within the different grids; i.e., different computing resources. If the object calls for an action that one computing resource cannot perform, it can be transferred to a grid containing another computing resource that can perform the action. In contrast, a web browser would be considered, at most, to be only an interface to submit requests to the grid environment. The resulting request could be implemented as a software object in the grid, which after executing would report the results back to the web browser. However, the web browser does not actually traverse the grids, instead a web browser accesses a server that can create software objects to traverse the grids. Therefore, a web browser may send requests and receive information from different grids in a grid computing environment, but one of ordinary skill in the art would recognize that web browsers are not the software objects that operate in and traverse the grids in a grid

computing environment. Accordingly, Gruyer fails to teach, even inherently, a host software object as recited in the claims of the present application.

Second, Gruyer fails to disclose the use of a ghost agent that can move from grid to grid within a grid computing environment to record the actions of a host software object moving from grid to grid. Gruyer only discloses an agent downloaded to a user device to monitor web usage on the user device. Nowhere does Gruyer expressly or inherently teach that the agent even travels with the web request to the one or more servers. Thus, Gruyer only discloses an agent for recording inputs and outputs of a web browser, not for recording each and every action taken in one or more remote servers to process the user inputs. In contrast, the amended claims recite a ghost software object that traverses the different grids used by the application domain, allowing the ghost software object to follow, replicate, and record the actions of a specific host software object traversing the grids.

Accordingly, Gruyer, alone or in combination with any other reference of record, fails to expressly or inherently teach each and every element recited in any of independent Claims 1, 10, 14, 17, and 26, as amended. Therefore, Applicants respectfully submit that the independent claims define over the references of record. Furthermore, as the remaining claims each depend from one of the independent claims while reciting additional features, the dependent claims likewise define over the cited references.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

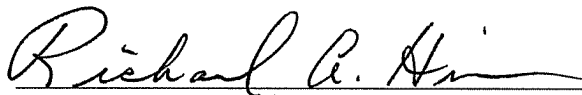
Appln No. 10/666,309  
Amendment dated July 16, 2007  
Reply to Office Action of April 16, 2007  
Docket No. BOC9-2003-0023 (392)

Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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